



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Minutes

Wednesday, 18 January 2023 at 18:00

Councillor Annison (in the Chair); Councillors Freeman, Flaxman-Taylor, P Hammond, Hanton, Mogford, Myers, Fairhead, Wainwright, A Wright, Jeal and Galer.

Mr R Parkinson (Development Manager), Mr R Tate (Planning Officer), Mr N Harriss (Principal Planning Officer), Mr Da Glason (Director of Planning and Growth), Ms C Whatling (Monitoring Officer), Mrs S Wintle (Corporate Services Manager), Miss R Downie (Democratic Services Officer), Mr D Zimmerling (IT Support) and Ms T Koomson (Senior Democratic Services Officer).

01 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G Carpenter, B Wright and Williamson.

Councillor Galer attended as a substitute for Councillor G Carpenter.
Councillor Jeal attended as a substitute for Councillor B Wright.

02 DECLARATIONS OF INTEREST

Councillors Fairhead declared personal interest in agenda item 5 as she knows the applicant personally.

Councillor T Wright declared personal interest on agenda item 5 having donated his annual ward grant to the applicant's charity the Willow Tree Works.

03 MINUTES

Minutes of the meeting held on the 7 December 2022 were confirmed.

04 APPLICATION 06 21 0857 F - Land between Alpha Road & Common Road, Gorleston, Great Yarmouth

The Committee received and considered the report set out on the agenda, prepared by the Development Manager Mr R Parkinson. This application was for residential development of 8no. dwellings with associated open space, highway works and landscaping. The application was brought before the Committee at the request of the Head of Planning noting the concerns of Councillors Price and Borg in response to the public concerns raised.

The Development Manager further reported that having considered the details provided, the application proposal is considered to meet the requirements for new residential development as an exception in a flood risk area and, once the section 106 agreement is completed and subject to the conditions proposed, will comply with Core Strategy Policies CS2, CS4, CS9, CS11, CS13, CS16 and policies GSP1, GSP5, GSP8, A1, A2, H3, H4, E1, E4, E6, E7 and I3 of the Local Plan Part 2. It is considered that there are no other material considerations to suggest the application should not be recommended for approval.

The Development Manager further advised the Committee of the latest updates received from the applicant in relation to conditions 4, 5, 6 and 7. It is therefore recommended that application 06/21/0857/F should be approved, subject to: (i) prior completion of a section 106 to secure: all 8no dwellings as affordable housing to be let as affordable rent tenure; £1,487.44 towards habitat site impacts mitigation; and £14,172.48 towards off-site open space provision in the Claydon Ward; and subject to the conditions as set out in the agenda report and as updated by the Development Manager in his presentation to the meeting.

Cllr Hammond asked clarification if ground floor parking had been considered to facilitate all cars and to ensure EV charging points to all car parking spaces. He also asked clarity why affordable housing is allowed to be built on a zone 3 flood risk area if no similar application would be approved to build private accommodation. Development Manager confirmed that consideration had been given to ground parking, but this would push the building to be even higher and would reduce available properties to be built down to six or even four. He also confirmed that the proposed development is for good quality housing and includes high mitigation measures for managing the risk of flooding.

Cllr Galer also pointed out that there was a slight contradiction with statements 11.4 and 11.9 on the report. Development Manager clarified that it

is true that kitchen/diner would be on the ground floor, but that other habitable areas are on the first floor and provide safe refuge during the peak of the flood. He further clarified that this is not considering flash flooding but rather tidal flooding which allows for better preparedness including evacuation.

The Chair invited Mr I Hill from Bidwells agent on behalf of the applicant to speak. Mr Hill thanked for the officer report which he felt outlined the proposed development well, but wished to take the opportunity to highlight a few key points. He confirmed that proposal brings affordable housing to currently vacant site. Although a zone 3 flood area, they have successfully put required mitigations in place and there aren't alternative sites available for similar development. There is a great demand for affordable housing and although presented with number of challenges, they have considered the location on the design for example red facing brickwork and chimneys to keep in line with the character of the other properties in the area. The area is highly accessible by public transport, close to amenities and there is not considered to be impact on highways. In summary, the aim is to provide high quality, sustainable, affordable housing on the brownfield site.

There were no additional questions to Mr Hill by the Committee.

Cllr Myers Confirmed he supports development of affordable housing, but feels that this is overdeveloped with eight dwellings and looks crowded. He suggested that development of six dwellings would be better and would also allow more space to provide parking.

Cllr Wright agreed with Cllr Myers that the area is already very crowded and that eight properties is too much. The roads are narrow and congested and also the elevated height to mitigate flood risk makes the design out of character for the rest of the area. Affordable accommodation is good for the local residents, but eight dwellings is too many for this location.

Cllr Galer confirmed his support for the development as affordable housing is in great demand in the area.

Councillor Wainwright confirmed that he also supports the development and does not agree that the proposed plan is over development. Although the development can't provide parking with EV charging points for all the dwellings, this is an issue for thousands of other terraced properties in the borough. The site has been un-used for years and needs to be put into a good use and there is a desperate shortage of two-bedroom affordable housing.

Cllr Wainwright therefore proposed that the officer recommendations together with the conditions as laid out in the agenda report be approved. This was seconded by Cllr Freeman.

Following a vote, it was RESOLVED:-

That application number 06/21/0857/F be approved subject to (i) prior completion of a section 106 to secure: all 8no dwellings as affordable housing to be let as affordable rent tenure; £1,487.44 towards habitat site impacts

mitigation; and £14,172.48 towards off-site open space provision in the Claydon Ward; and the conditions presented to the meeting in the Officer's report as amended in the presentation given to the Committee at the meeting.

05 APPLICATION 06 22 0884 VCF - Former Waterworks storage and Pipeyard, (land north of 25 St Peters Plain), St Peter's Plain, Great Yarmouth NR30 2LN

The Committee received and considered the report set out on the agenda, prepared and presented by the Planning Officer Mr R Tate. The application was for removal of condition 1 of pp. 06/15/0733/F (conversion of existing garage to kitchen and toilets; siting of modular building for use as community workshops) - to allow permanent use/siting of modular building. The application was brought before the Committee at the discretion of the Head of Planning noting the concerns of Cllr T Wright and Cllr G Plant, noting the community services and heritage officer's concerns.

The Planning Officer further reported that having considered the details provided, the public benefits of the permanent siting of the existing modular building in this location do not outweigh the long-term harms that would be caused to the surrounding designated heritage assets by granting permanent permission. The proposal would fail to comply with Core Policy CS10 because it would not conserve or enhance the significance of the borough's heritage assets and their settings and would not meet the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal does not provide sufficient public benefits to outweigh the high level of 'less than substantial' harm and therefore the scheme is contrary to paragraph 202 of the NPPF (2021). As such, it is the Officers' recommendation that the application 06/22/0884/VCF should be refused.

Cllr Jeal asked for clarity if there are currently houses built on the same location that are actually backing the Town Wall. Cllr Wright highlighted on the same point that currently those houses backing the wall have plastic and metal pipe works that actually run along the Wall. The Planning Officer demonstrated a photo showing the housing and pipework, but clarified that this is not a consideration for this application. That the application in question has been assessed on its own merits against Local Plan Core Strategy CS10 that is to conserve and enhance a heritage and that removing a temporary structure would facilitate wider improvement to the heritage site

Cllr Wright wanted clarity as to who's opinion this assessment was based on. The Planning Officer and Development Manager confirmed that it is a considered opinion of the Planning Officer making a recommendation based on balanced view of relevant policies.

Cllr Myers referred to section 1.5 on the report and asked if there was any evidence of the degrading of the temporary structure ie; modular building at

present. The Planning Officer confirmed that there was no evidence one way or the other.

Cllr Hammond asked clarity on where is the evidence of harm to the heritage site and specifically the Town Wall. The Development Manger clarified that in assessing the application and the impact on the Town Wall and heritage site is not about the quality of the Wall or even the visual access to the Wall. The fact is that the temporary structure is currently placed inside the conservation area and next to other heritage assets as it is next to a grade II listed building and the medieval Town Wall. It is therefore a legal duty to have regard to the need to preserve and enhance the area with development that demonstrates appropriate design. It is therefore a considered recommendation that the public benefits will not outweigh the long term harm caused to this particular conservation area.

The Chair invited Dr H Sayer to speak on behalf of the applicant. Dr H Sayer outlined the reasons why she disagrees with the officer's assessment of the application. She confirmed that although the modular building is of temporary structure, the timber building will last a minimum of twenty years and that they have an active maintenance protocol to keep the building in good repair. They have considered the area design in their choices of colour and texture of the cladding and hence disagreed with the officer's report on sections 9.9 and 9.10. She also stated that it is impossible to put foundations on this land as it is a former bomb site. She further confirmed that recent valuation of the property for the purposes of insurance was set at £120 000. She voiced her disappointment that the officer had not visited a site at a time when activities were taken place to see it's use and purpose and benefit for the public. She further pointed at report sections 9.1 and 9.2 and would welcome least controversial view on this and what would be acceptable to build on a site considering that the foundation is not suitable to built permanent structure.

Cllr Myers asked Dr H Sayer that if the concern was raised to have modular building on site permanently, why did not consider applying for extension to the temporary permission. Dr H Sayer confirmed that they had been advised they would not get an extension.

Cllr Wright asked what community activities were carried out on this location and would it not be possible to conduct the same activities elsewhere. Dr H Sayer confirmed that this site is purposely modified for activities that take place there ie; fitness classes and renovation/recycling workshops. She further confirmed that only degrading to the modular building during the past seven years of activity had been rust on the door handle.

There were no further questions to Dr H Sayer.

Cllr Jeal confirmed that in his opinion, refusal of the application feels unjust and suggested a replacement of a wooden gate that used to be in place to lessen the visibility of the modular building.

Cllr Myers felt there was an impasse. The temporary building was still there in

a good state of repair yet if granted a permanent permission, it was considered inappropriate for the conservation area. Applicant had confirmed that they were advised against extending a temporary permission and in any event, the Committee can only view the application as it is set out today.

The Development Manager confirmed that considerations are about balancing ongoing harm to the heritage site and communal benefits on a permanent basis. He further confirmed that the value of the current temporary construction at the time of original application was quoted at £35 000 so not in line with the current valuation stated by the applicant today. He further confirmed that original application was initially considered for five years and eventually granted for ten years. He further confirmed that the Council has not provided the applicant with advice that the site is not suitable for any alternative permanent development. This is evident as previous planning applications on the same site have been approved in recent past and there are many modern techniques to overcome the challenges in foundations. He further clarified that extension of temporary permission is rare and clear public benefit needs to be demonstrated for additional or extended temporary permissions to be granted and gave an example of modular buildings used as class rooms.

Cllr Wright confirmed that he understood officer's concerns in relation to protecting the heritage, however, felt that at times there needs to be a compromise for the benefit of the wider public. Should for example a terraced house be built on the site, it would hide the visibility to the Wall the same as the current temporary structure modular building. He further confirmed that he had visited the area, and felt the modular building is a minor detriment to the area especially as that part of the Town Wall is already impacted by plastic and metal pipes with a building backing onto it. He felt that the applicant provided an important community facility in the centre of the town and referred to the considerations of a Local Plan Core Strategy CS15.

Cllr Hammond agreed that although he also appreciated that it is a heritage site, the Council has not always been consistent in protecting the visibility of the Town Wall in all the previous planning initiatives; for example the Market Gates go over the Wall. Ultimately, one can still see the Wall. He also agreed with Cllr Jeal in reference to the blue gates that were previously on site.

The Development Manager advised the Committee that the consideration is not the visibility of the Wall but rather if the current temporary structure can be considered architecturally appropriate to the conservation area in that development in the location should enhance the setting, character and appearance of designated heritage assets as set out on the Officer's report.

Cllr Wainwright felt that the current temporary structure has been in place for seven years, during which time no complaints have been raised by the public. There was a need for this type of a community facility seven years ago, and the need now is even greater than it was back then. He was therefore proposing that application should be approved contrary to officer recommendation.

Cllr Myers considered the relevant planning history outlined on the agenda report, and noted that during all this time, there has really been a limited demand for permanent development on this site, and even when approved, the developments have not gone ahead. On that basis, he considered that it was not evident that a better permanent development would be immediately forthcoming if application was refused.

Cllr Freeman confirmed that he knew the area well. He considered that good re-generation has been achieved in the past. He felt consideration needs to be long term and what ultimately happens when this temporary modular structure degrades with time. He considered that decisions need to be based on improving the area and felt that allowing temporary structure to become permanent is not a right way to go. He would possibly consider supporting extension to temporary permission but felt that the policies need to be accepted and the local heritage respected hence supported the Officer recommendation.

Cllr Hammond felt there are things that can be done to the current temporary structure to improve its appearance and design to better blend into surroundings for example gates and alternative roofing. Development Manager confirmed that these are possibilities, but ultimately approving this application might discourage any more suitable form of future development on the site.

Monitoring Officer advised the Committee that should they depart from the officer recommendations, they should be clear on the reasons to override the recommendation.

Cllr Wright suggested that this should be done on the basis of Core Policy CS15 in protecting community facility.

Cllr Wainwright proposed that the Committee reject the officer recommendation on the basis that on this occasion, the public benefit as per Core Policy CS15 outweigh the long-term harms that would be caused to the surrounding designated heritage assets as per Core Policy CS10. This was seconded by Cllr Hammond.

Following a vote, it was RESOLVED: -

That the application number 06/22/0884/VCF is approved to remove condition 1 of planning permission 06/15/0733/F.

06 APPLICATION 06 22 0946 CU - 25 to 26 Hall Quay Great Yarmouth

The Committee received and considered the report set out on the agenda, which was prepared and presented by the Principal Planning Officer Mr R Harris. This was a connected application where the applicant was the Borough Council. The proposal was for change of use of first floor for a temporary period of six years to hostel for up to 16 Adults and ancillary office space (sui generis use).

The Principal Planning Officer reported that having considered the proposal, the application is considered to comply with policies CS3, CS7, CS9, CS10, CS11 and CS16 from the adopted Core Strategy, and policies GSP1, GSP5, GY1, GY3, A1, E5 and I1 from the adopted Local Plan Part 2. It is considered that there are no other material considerations to suggest the application should not be recommended for approval. It was therefore recommended that application 06/22/0946/CU should be approved, subject to the conditions as set out on the agenda report with added amendment to condition 3 that (iii) The occupation of the hostel use hereby permitted shall be limited to 'rough sleepers' or those at risk of rough sleeping who are homeless / street homeless and support staff connected with that use only.

Cllr Wright asked why the temporary application rather than permanent. Principal Planning Officer confirmed that the application was only submitted for temporary (six years) and this also allows for other re-development initiatives to come forward and as such, the application is also not in conflict with GY1 and GY3 policies.

Cllr Hammond was interested to know if the planned hostel would be able to facilitate dogs, as many Rough Sleepers are known to refuse accommodation offers if they need to give up their pet(s). Housing Delivery Manager Ms C Wilkins who had submitted the application on behalf of the Borough Council confirmed that the dogs would be allowed.

Cllr Myers complemented the application and the intended facility for the Rough Sleepers and how it would benefit the residents and the Council. He was also very pleased to know that considerations had been given to facilitate dogs.

Cllr Wright also confirmed his support for the application and acknowledged that despite many efforts and best intentions, tackling Rough Sleeping has been on the agenda for years and is likely to be for years to come. He hoped that eventually this accommodation may evolve to be something more permanent.

Cllr Fairhead also confirmed her support for the application and asked how long it would take to get the hostel operational. Housing Delivery Manager Ms C Wilkins confirmed that should the application be approved, it will be a priority to open the hostel as soon as possible and hopefully within next few weeks.

Cllr Wainwright also confirmed his full support for the application and proposed that the officer recommendation together with the conditions as laid out in the agenda report, with added amendment, be approved. This was seconded by Cllr Myers.

Following a unanimous vote, it was RESOLVED:-

That the application 06/22/0946/CU should be approved, subject to the following conditions:-

(i) This permission expires on [insert date six years from date permission issued]

and unless on or before this date application has been made for an extension to the period of permission and such application is approved by the Local Planning Authority the use shall be discontinued.

The reason for the condition is:-

In order to retain control over the use of the site and in the interest of the

amenities of the locality and in order to help implement the Council's future ambitions in this area laid down in the Great Yarmouth Town Centre Regeneration Framework and Masterplan.

(ii) The development shall be carried out in accordance with the application form and the following plans:

- . Site Location Plan
- . First Floor Plan
- . Parking, Bin Location and Fire Escape Route Plan

The reason for the condition is:-
For the avoidance of doubt.

(iii) The occupation of the hostel use hereby permitted shall be limited to 'rough sleepers' or those at risk of rough sleeping who are homeless / street homeless and support staff connected with that use only.

The reason for the condition is :-

In order to retain control over the use of the site and in the interest of the amenities of the locality and in order to help implement the Council's future ambitions in this area laid down in the Great Yarmouth Town Centre Regeneration Framework and Masterplan.

(iv) Only the sixteen rooms labelled as Bed 6 - 21 (inclusive) on the approved first floor plan shall be used by rough sleepers and no more than 1 adult shall occupy any of these rooms at any one time.

The reason for the condition is :-

In accordance with what was applied for and to ensure suitable accommodation for all occupiers in terms of space standards.

(v) The office space hereby permitted within the rooms labelled as Bed 1 - 5 (inclusive) on the approved floor plan shall be ancillary to the hostel use for Page 66 of 68 'rough sleepers' only and shall not be occupied as a separate and

unassociated office use.

The reason for the condition is :-

In order to retain control over the use of the site and in the interest of the amenities of the locality and in order to help implement the Council's future ambitions in this area laid down in the Great Yarmouth Town Centre Regeneration Framework and Masterplan.

07 ANY OTHER BUSINESS

None.

The meeting ended at: 19:45